

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 878
93RD GENERAL ASSEMBLY

Reported from the Committee on Children and Families April 12, 2006 with recommendation that House Committee Substitute for Senate Committee Substitute for Senate Bill No. 878 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(26)(f).

STEPHEN S. DAVIS, Chief Clerk

4470L.04C

AN ACT

To repeal sections 167.181, 210.003, 210.145, 210.183, 210.482, 210.565, 210.570, 210.580, 210.595, 210.600, 210.610, 210.762, 211.319, 211.444, 453.010, and 453.011, RSMo, and to enact in lieu thereof thirteen new sections relating to child protection, with a contingent effective date for certain sections.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 167.181, 210.003, 210.145, 210.183, 210.482, 210.565, 210.570, 210.580, 210.595, 210.600, 210.610, 210.762, 211.319, 211.444, 453.010, and 453.011, RSMo, are repealed and thirteen new sections enacted in lieu thereof, to be known as sections 167.181, 210.003, 210.145, 210.183, 210.482, 210.565, 210.570, 210.580, 210.762, 211.319, 211.444, 453.010, and 453.011, to read as follows:

167.181. 1. The department of health and senior services, after consultation with the department of elementary and secondary education, shall promulgate rules and regulations governing the immunization against poliomyelitis, rubella, rubeola, mumps, tetanus, pertussis, diphtheria, and hepatitis B, to be required of children attending public, private, parochial or parish schools. Such rules and regulations may modify the **manner and frequency, including zero frequency, of the** immunizations [that are required] of children **which are specified** in this subsection. **Such rules shall not require immunizations not specified in this subsection.** The immunizations required and the manner and frequency of their administration shall conform to

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

9 recognized standards of medical practice. The department of health and senior services shall
10 supervise and secure the enforcement of the required immunization program.

11 2. It is unlawful for any student to attend school unless he has been immunized as
12 required under the rules and regulations of the department of health and senior services, and can
13 provide satisfactory evidence of such immunization **or otherwise acquired immunity**; except
14 that if he produces satisfactory evidence of having begun the process of immunization, he may
15 continue to attend school as long as the immunization process is being accomplished in the
16 prescribed manner. It is unlawful for any parent or guardian to refuse or neglect to have his child
17 immunized as required by this section, unless the child is properly exempted.

18 3. This section shall not apply to any child if one parent or guardian objects in writing
19 to his school administrator against the immunization of the child, because of religious beliefs or
20 medical contraindications. In cases where any such objection is for reasons of medical
21 contraindications, a statement from a duly licensed physician must also be provided to the school
22 administrator.

23 4. Each school superintendent, whether of a public, private, parochial or parish school,
24 shall cause to be prepared a record showing the immunization status of every child enrolled in
25 or attending a school under his jurisdiction. The name of any parent or guardian who neglects
26 or refuses to permit a nonexempted child to be immunized against diseases as required by the
27 rules and regulations promulgated pursuant to the provisions of this section shall be reported by
28 the school superintendent to the department of health and senior services.

29 5. The immunization required may be done by any duly licensed physician or by
30 someone under his direction. If the parent or guardian is unable to pay, the child shall be
31 immunized at public expense by a physician or nurse at or from the county, district, city public
32 health center or a school nurse or by a nurse or physician in the private office or clinic of the
33 child's personal physician with the costs of immunization paid through the state Medicaid
34 program, private insurance or in a manner to be determined by the department of health and
35 senior services subject to state and federal appropriations, and after consultation with the school
36 superintendent and the advisory committee established in section 192.630, RSMo. When a child
37 receives his or her immunization, the treating physician may also administer the appropriate
38 fluoride treatment to the child's teeth.

39 6. Funds for the administration of this section and for the purchase of vaccines for
40 children of families unable to afford them shall be appropriated to the department of health and
41 senior services from general revenue or from federal funds if available.

42 7. No rule or portion of a rule promulgated under the authority of this section shall
43 become effective unless it has been promulgated pursuant to the provisions of chapter 536,
44 RSMo. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is

45 created under the authority delegated in this section shall become effective only if it complies
46 with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section
47 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers
48 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the
49 effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the
50 grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be
51 invalid and void.

210.003. 1. No child shall be permitted to enroll in or attend any public, private or
2 parochial day care center, preschool or nursery school caring for ten or more children unless such
3 child has been adequately immunized against vaccine-preventable childhood illnesses specified
4 [by the department of health and senior services in accordance with recommendations of the
5 Immunization Practices Advisory Committee (ACIP)] **in section 167.181, RSMo. The**
6 **department of health and senior services may promulgate rules governing the manner and**
7 **frequency, including zero frequency, of the specified immunizations.** The parent or guardian
8 of such child shall provide satisfactory evidence of the required immunizations.

9 2. A child who has not completed all immunizations appropriate for his age may enroll,
10 if:

11 (1) Satisfactory evidence is produced that such child has begun the process of
12 immunization. The child may continue to attend as long as the immunization process is being
13 accomplished according to the ACIP/Missouri department of health and senior services
14 recommended schedule; or

15 (2) The parent or guardian has signed and placed on file with the day care administrator
16 a statement of exemption which may be either of the following:

17 (a) A medical exemption, by which a child shall be exempted from the requirements of
18 this section upon certification by a licensed physician that such immunization would seriously
19 endanger the child's health or life; or

20 (b) A parent or guardian exemption, by which a child shall be exempted from the
21 requirements of this section if one parent or guardian files a written objection to immunization
22 with the day care administrator. Exemptions shall be accepted by the day care administrator
23 when the necessary information as determined by the department of health and senior services
24 is filed with the day care administrator by the parent or guardian. Exemption forms shall be
25 provided by the department of health and senior services.

26 3. In the event of an outbreak or suspected outbreak of a vaccine-preventable disease
27 within a particular facility, the administrator of the facility shall follow the control measures
28 instituted by the local health authority or the department of health and senior services or both the

29 local health authority and the department of health and senior services, as established in Rule 19
30 CSR 20-20.040, "Measures for the Control of Communicable Diseases".

31 4. The administrator of each public, private or parochial day care center, preschool or
32 nursery school shall cause to be prepared a record of immunization of every child enrolled in or
33 attending a facility under his jurisdiction. An annual summary report shall be made by January
34 fifteenth showing the immunization status of each child enrolled, using forms provided for this
35 purpose by the department of health and senior services. The immunization records shall be
36 available for review by department of health and senior services personnel upon request.

37 5. For purposes of this section, satisfactory evidence of immunization means a statement,
38 certificate or record from a physician or other recognized health facility or personnel, stating that
39 the required immunizations have been given to the child and verifying the type of vaccine and
40 the month, day and year of administration.

41 6. Nothing in this section shall preclude any political subdivision from adopting more
42 stringent rules regarding the immunization of preschool children.

43 **7. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,**
44 **that is created under the authority delegated in this section shall become effective only if**
45 **it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**
46 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**
47 **and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**
48 **to review, to delay the effective date, or to disapprove and annul a rule are subsequently**
49 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**
50 **adopted after August 28, 2006, shall be invalid and void.**

210.145. 1. The division shall develop protocols which give priority to:

2 (1) Ensuring the well-being and safety of the child in instances where child abuse or
3 neglect has been alleged;

4 (2) Promoting the preservation and reunification of children and families consistent with
5 state and federal law;

6 (3) Providing due process for those accused of child abuse or neglect; and

7 (4) Maintaining an information system operating at all times, capable of receiving and
8 maintaining reports. This information system shall have the ability to receive reports over a
9 single, statewide toll-free number. Such information system shall maintain the results of all
10 investigations, family assessments and services, and other relevant information.

11 2. The division shall utilize structured decision-making protocols for classification
12 purposes of all child abuse and neglect reports. The protocols developed by the division shall
13 give priority to ensuring the well-being and safety of the child. All child abuse and neglect
14 reports shall be initiated within twenty-four hours and shall be classified based upon the reported

15 risk and injury to the child. The division shall promulgate rules regarding the structured
16 decision-making protocols to be utilized for all child abuse and neglect reports.

17 3. Upon receipt of a report, the division shall determine if the report merits investigation,
18 including reports which if true would constitute a suspected violation of any of the following:
19 section 565.020, 565.021, 565.023, 565.024, or 565.050, RSMo, if the victim is a child less than
20 eighteen years of age, section 566.030 or 566.060, RSMo, if the victim is a child less than
21 eighteen years of age, or other crimes under chapter 566, RSMo, if the victim is a child less than
22 eighteen years of age and the perpetrator is twenty-one years of age or older, section 567.050,
23 RSMo, if the victim is a child less than eighteen years of age, section 568.020, 568.030, 568.045,
24 568.050, 568.060, 568.080, or 568.090, RSMo, section 573.025, 573.035, 573.037, or 573.040,
25 RSMo, or an attempt to commit any such crimes. The division shall immediately communicate
26 all reports that merit investigation to its appropriate local office and any relevant information as
27 may be contained in the information system. The local division staff shall determine, through
28 the use of protocols developed by the division, whether an investigation or the family assessment
29 and services approach should be used to respond to the allegation. The protocols developed by
30 the division shall give priority to ensuring the well-being and safety of the child.

31 4. The local office shall contact the appropriate law enforcement agency immediately
32 upon receipt of a report which division personnel determine merits an investigation and provide
33 such agency with a detailed description of the report received. In such cases the local division
34 office shall request the assistance of the local law enforcement agency in all aspects of the
35 investigation of the complaint. The appropriate law enforcement agency shall either assist the
36 division in the investigation or provide the division, within twenty-four hours, an explanation
37 in writing detailing the reasons why it is unable to assist.

38 5. The local office of the division shall cause an investigation or family assessment and
39 services approach to be initiated in accordance with the protocols established in subsection 2 of
40 this section, except in cases where the sole basis for the report is educational neglect. If the
41 report indicates that educational neglect is the only complaint and there is no suspicion of other
42 neglect or abuse, the investigation shall be initiated within seventy-two hours of receipt of the
43 report. If the report indicates the child is in danger of serious physical harm or threat to life, an
44 investigation shall include direct observation of the subject child within twenty-four hours of the
45 receipt of the report. Local law enforcement shall take all necessary steps to facilitate such direct
46 observation. If the parents of the child are not the alleged abusers, a parent of the child must be
47 notified prior to the child being interviewed by the division. If the abuse is alleged to have
48 occurred in a school or child-care facility the division shall not meet with the child in any school
49 building or child-care facility building where abuse of such child is alleged to have occurred.
50 When the child is reported absent from the residence, the location and the well-being of the child

51 shall be verified. For purposes of this subsection, "child-care facility" shall have the same
52 meaning as such term is defined in section 210.201.

53 6. The director of the division shall name at least one chief investigator for each local
54 division office, who shall direct the division response on any case involving a second or
55 subsequent incident regarding the same subject child or perpetrator. The duties of a chief
56 investigator shall include verification of direct observation of the subject child by the division
57 and shall ensure information regarding the status of an investigation is provided to the public
58 school district liaison. The public school district liaison shall develop protocol in conjunction
59 with the chief investigator to ensure information regarding an investigation is shared with
60 appropriate school personnel. The superintendent of each school district shall designate a
61 specific person or persons to act as the public school district liaison. Should the subject child
62 attend a nonpublic school the chief investigator shall notify the school principal of the
63 investigation. Upon notification of an investigation, all information received by the public
64 school district liaison or the school shall be subject to the provisions of the federal Family
65 Educational Rights and Privacy Act (FERPA), 20 U.S.C., Section 1232g, and federal rule 34
66 C.F.R., Part 99.

67 7. The investigation shall include but not be limited to the nature, extent, and cause of
68 the abuse or neglect; the identity and age of the person responsible for the abuse or neglect; the
69 names and conditions of other children in the home, if any; the home environment and the
70 relationship of the subject child to the parents or other persons responsible for the child's care;
71 any indication of incidents of physical violence against any other household or family member;
72 and other pertinent data.

73 8. When a report has been made by a person required to report under section 210.115,
74 the division shall contact the person who made such report within forty-eight hours of the receipt
75 of the report in order to ensure that full information has been received and to obtain any
76 additional information or medical records, or both, that may be pertinent.

77 9. Upon completion of the investigation, if the division suspects that the report was made
78 maliciously or for the purpose of harassment, the division shall refer the report and any evidence
79 of malice or harassment to the local prosecuting or circuit attorney.

80 10. Multidisciplinary teams shall be used whenever conducting the investigation as
81 determined by the division in conjunction with local law enforcement. Multidisciplinary teams
82 shall be used in providing protective or preventive social services, including the services of law
83 enforcement, a liaison of the local public school, the juvenile officer, the juvenile court, and
84 other agencies, both public and private.

85 11. For all family support team meetings involving an alleged victim of child abuse or
86 neglect, the parents, legal counsel for the parents, foster parents, the legal guardian or custodian

87 of the child, the guardian ad litem for the child, and the volunteer advocate for the child shall be
88 provided notice and be permitted to attend all such meetings. Family members, other than
89 alleged perpetrators, or other community informal or formal service providers that provide
90 significant support to the child and other individuals may also be invited at the discretion of the
91 parents of the child. In addition, the parents, the legal counsel for the parents, the legal guardian
92 or custodian and the foster parents may request that other individuals, other than alleged
93 perpetrators, be permitted to attend such team meetings. Once a person is provided notice of or
94 attends such team meetings, the division or the convenor of the meeting shall provide such
95 persons with notice of all such subsequent meetings involving the child. Families may determine
96 whether individuals invited at their discretion shall continue to be invited.

97 12. If the appropriate local division personnel determine after an investigation has begun
98 that completing an investigation is not appropriate, the division shall conduct a family
99 assessment and services approach. The division shall provide written notification to local law
100 enforcement prior to terminating any investigative process. The reason for the termination of
101 the investigative process shall be documented in the record of the division and the written
102 notification submitted to local law enforcement. Such notification shall not preclude nor prevent
103 any investigation by law enforcement.

104 13. If the appropriate local division personnel determines to use a family assessment and
105 services approach, the division shall:

106 (1) Assess any service needs of the family. The assessment of risk and service needs
107 shall be based on information gathered from the family and other sources;

108 (2) Provide services which are voluntary and time-limited unless it is determined by the
109 division based on the assessment of risk that there will be a high risk of abuse or neglect if the
110 family refuses to accept the services. The division shall identify services for families where it
111 is determined that the child is at high risk of future abuse or neglect. The division shall
112 thoroughly document in the record its attempt to provide voluntary services and the reasons these
113 services are important to reduce the risk of future abuse or neglect to the child. If the family
114 continues to refuse voluntary services or the child needs to be protected, the division may
115 commence an investigation;

116 (3) Commence an immediate investigation if at any time during the family assessment
117 and services approach the division determines that an investigation, as delineated in sections
118 210.109 to 210.183, is required. The division staff who have conducted the assessment may
119 remain involved in the provision of services to the child and family;

120 (4) Document at the time the case is closed, the outcome of the family assessment and
121 services approach, any service provided and the removal of risk to the child, if it existed.

122 14. Within thirty days of an oral report of abuse or neglect, the local office shall update
123 the information in the information system. The information system shall contain, at a minimum,
124 the determination made by the division as a result of the investigation, identifying information
125 on the subjects of the report, those responsible for the care of the subject child and other relevant
126 dispositional information. The division shall complete all investigations within thirty days,
127 unless good cause for the failure to complete the investigation is documented in the information
128 system. **If during a pending investigation, a death of a child involved in the investigation**
129 **occurs, the investigation may remain open until the division's investigation surrounding**
130 **the death is completed.** If the investigation is not completed within thirty days, the information
131 system shall be updated at regular intervals and upon the completion of the investigation. The
132 information in the information system shall be updated to reflect any subsequent findings,
133 including any changes to the findings based on an administrative or judicial hearing on the
134 matter.

135 15. A person required to report under section 210.115 to the division and any person
136 making a report of child abuse or neglect made to the division which is not made anonymously
137 shall be informed by the division of his or her right to obtain information concerning the
138 disposition of his or her report. Such person shall receive, from the local office, if requested,
139 information on the general disposition of his or her report. Such person may receive, if
140 requested, findings and information concerning the case. Such release of information shall be
141 at the discretion of the director based upon a review of the reporter's ability to assist in protecting
142 the child or the potential harm to the child or other children within the family. The local office
143 shall respond to the request within forty-five days. The findings shall be made available to the
144 reporter within five days of the outcome of the investigation. If the report is determined to be
145 unsubstantiated, the reporter may request that the report be referred by the division to the office
146 of child advocate for children's protection and services established in sections 37.700 to 37.730,
147 RSMo. Upon request by a reporter under this subsection, the division shall refer an
148 unsubstantiated report of child abuse or neglect to the office of child advocate for children's
149 protection and services.

150 16. In any judicial proceeding involving the custody of a child the fact that a report may
151 have been made pursuant to sections 210.109 to 210.183 shall not be admissible. However:

152 (1) Nothing in this subsection shall prohibit the introduction of evidence from
153 independent sources to support the allegations that may have caused a report to have been made;
154 and

155 (2) The court may on its own motion, or shall if requested by a party to the proceeding,
156 make an inquiry not on the record with the children's division to determine if such a report has

157 been made. If a report has been made, the court may stay the custody proceeding until the
158 children's division completes its investigation.

159 17. In any judicial proceeding involving the custody of a child where the court
160 determines that the child is in need of services pursuant to subdivision (d) of subsection 1 of
161 section 211.031, RSMo, and has taken jurisdiction, the child's parent, guardian or custodian shall
162 not be entered into the registry.

163 18. The children's division is hereby granted the authority to promulgate rules and
164 regulations pursuant to the provisions of section 207.021, RSMo, and chapter 536, RSMo, to
165 carry out the provisions of sections 210.109 to 210.183.

166 19. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that
167 is created under the authority delegated in this section shall become effective only if it complies
168 with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section
169 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers
170 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the
171 effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the
172 grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be
173 invalid and void.

210.183. 1. At the time of the initial investigation of a report of child abuse or neglect,
2 the division employee conducting the investigation shall provide the alleged perpetrator with a
3 written description of the investigation process. Such written notice shall be given substantially
4 in the following form:

5 "The investigation is being undertaken by the Children's Division pursuant to the
6 requirements of chapter 210 of the Revised Missouri Statutes in response to a report of child
7 abuse or neglect.

8 The identity of the person who reported the incident of abuse or neglect is confidential
9 and may not even be known to the Division since the report could have been made anonymously.

10

11 This investigation is required by law to be conducted in order to enable the Children's
12 Division to identify incidents of abuse or neglect in order to provide protective or preventive
13 social services to families who are in need of such services.

14 The division shall make every reasonable attempt to complete the investigation within
15 thirty days, **except if during a pending investigation a death of a child involved in the**
16 **investigation occurs, the investigation may remain open until the division's investigation**
17 **surrounding the death is completed. Otherwise,** within ninety days you will receive a letter
18 from the Division which will inform you of one of the following:

19 (1) That the Division has found insufficient evidence of abuse or neglect; or

20 (2) That there appears to be by a preponderance of the evidence reason to suspect the
21 existence of child abuse or neglect in the judgment of the Division and that the Division will
22 contact the family to offer social services.

23 If the Division finds by a preponderance of the evidence reason to believe child abuse or
24 neglect has occurred or the case is substantiated by court adjudication, a record of the report and
25 information gathered during the investigation will remain on file with the Division.

26 If you disagree with the determination of the Division and feel that there is insufficient
27 reason to believe by a preponderance of the evidence that abuse or neglect has occurred, you
28 have a right to request an administrative review at which time you may hire an attorney to
29 represent you. If you request an administrative review on the issue, you will be notified of the
30 date and time of your administrative review hearing by the child abuse and neglect review board.
31 If the Division's decision is reversed by the child abuse and neglect review board, the Division
32 records concerning the report and investigation will be updated to reflect such finding. If the
33 child abuse and neglect review board upholds the Division's decision, an appeal may be filed in
34 circuit court within sixty days of the child abuse and neglect review board's decision."

35 2. If the division uses the family assessment approach, the division shall at the time of
36 the initial contact provide the parent of the child with the following information:

37 (1) The purpose of the contact with the family;

38 (2) The name of the person responding and his or her office telephone number;

39 (3) The assessment process to be followed during the division's intervention with the
40 family including the possible services available and expectations of the family.

210.482. 1. If the emergency placement of a child in a private home is necessary due to
2 the unexpected absence of the child's parents, legal guardian, or custodian, the juvenile court or
3 children's division:

4 (1) May request that a local or state law enforcement agency or juvenile officer, subject
5 to any required federal authorization, immediately conduct a name-based criminal history record
6 check to include full orders of protection and outstanding warrants of each person over the age
7 of seventeen residing in the home by using the Missouri uniform law enforcement system
8 (MULES) and the National Crime Information Center to access the Interstate Identification Index
9 maintained by the Federal Bureau of Investigation; and

10 (2) Shall determine or, in the case of the juvenile court, shall request the division to
11 determine whether any person over the age of seventeen years residing in the home is listed on
12 the child abuse and neglect registry.

13 For any children less than seventeen years of age residing in the home, the children's division
14 shall inquire of the person with whom an emergency placement of a child will be made whether

15 any children less than seventeen years of age residing in the home have ever been certified as an
16 adult and convicted of or pled guilty or nolo contendere to any crime.

17 2. If a name-based search has been conducted pursuant to subsection 1 of this section,
18 within fifteen [business] **calendar** days after the emergency placement of the child in the private
19 home, and if the private home has not previously been approved as a foster or adoptive home,
20 all persons over the age of seventeen residing in the home and all children less than seventeen
21 residing in the home who the division has determined have been certified as an adult for the
22 commission of a crime, [other than persons within the second degree of consanguinity and
23 affinity to the child,] shall report to a local law enforcement agency for the purpose of providing
24 two sets of fingerprints each and accompanying fees, pursuant to section 43.530, RSMo. One
25 set of fingerprints shall be used by the highway patrol to search the criminal history repository
26 and the second set shall be forwarded to the Federal Bureau of Investigation for searching the
27 federal criminal history files. Results of the checks will be provided to the juvenile court or
28 children's division office requesting such information. Any child placed in emergency placement
29 in a private home shall be removed immediately if any person residing in the home fails to
30 provide fingerprints after being requested to do so, unless the person refusing to provide
31 fingerprints ceases to reside in the private home.

32 3. If the placement of a child is denied as a result of a name-based criminal history check
33 and the denial is contested, all persons over the age of seventeen residing in the home and all
34 children less than seventeen years of age residing in the home who the division has determined
35 have been certified as an adult for the commission of a crime shall, within fifteen [business]
36 **calendar** days, submit to the juvenile court or the children's division two sets of fingerprints in
37 the same manner described in subsection 2 of this section, accompanying fees, and written
38 permission authorizing the juvenile court or the children's division to forward the fingerprints
39 to the state criminal record repository for submission to the Federal Bureau of Investigation. One
40 set of fingerprints shall be used by the highway patrol to search the criminal history repository
41 and the second set shall be forwarded to the Federal Bureau of Investigation for searching the
42 federal criminal history files.

43 4. Subject to appropriation, the total cost of fingerprinting required by this section may
44 be paid by the state, including reimbursement of persons incurring fingerprinting costs under this
45 section.

46 5. For the purposes of this section, "emergency placement" refers to those limited
47 instances when the juvenile court or children's division is placing a child in the home of private
48 individuals, including neighbors, friends, or relatives, as a result of a sudden unavailability of
49 the child's primary caretaker.

210.565. 1. Whenever a child is placed in a foster home and the court has determined pursuant to subsection 3 of this section that foster home placement with relatives is not contrary to the best interest of the child, the children's division shall give foster home placement to relatives of the child. Notwithstanding any rule of the division to the contrary, grandparents who request consideration shall be given preference and first consideration for foster home placement. **Preference for placement with relatives shall not apply when the parent has consented in writing to the termination of his or her parental rights in conjunction with a placement with a licensed child placing agency under subsection 6 of section 453.010, RSMo.**

2. As used in this section, the term "relative" means a person related to another by blood or affinity within the third degree. The status of a grandparent shall not be affected by the death or the dissolution of the marriage of a son or daughter.

3. The preference for placement with relatives created by this section shall only apply where the court finds that placement with such relatives is not contrary to the best interest of the child considering all circumstances. If the court finds that it is contrary to the best interest of a child to be placed with relatives, the court shall make specific findings on the record detailing the reasons why the best interests of the child necessitate placement of the child with persons other than relatives.

4. The age of the child's relative shall not be the only factor that the children's division takes into consideration when it makes placement decisions and recommendations to the court about placing the child with such relative.

5. For any Native American child placed in protective custody, the children's division shall comply with the placement requirements set forth in 25 U.S.C. Section 1915.

210.570. This interstate compact for juveniles is entered with all jurisdictions legally joining the compact in the form substantially as follows:

THE INTERSTATE COMPACT FOR JUVENILES

ARTICLE I

PURPOSE

The compacting states to this Interstate Compact recognize that each state is responsible for the proper supervision or return of juveniles, delinquents and status offenders who are on probation or parole and who have absconded, escaped or run away from supervision and control and in so doing have endangered their own safety and the safety of others. The compacting states also recognize that each state is responsible for the safe return of juveniles who have run away from home and in doing so have left their state of residence. The compacting states also recognize that Congress, by enacting the Crime Control Act, 4 U.S.C. Section 112 (1965), has authorized and encouraged compacts for cooperative efforts and mutual assistance in the prevention of crime.

15 It is the purpose of this compact, through means of joint and cooperative action
16 among the compacting states to: (A) ensure that the adjudicated juveniles and status
17 offenders subject to this compact are provided adequate supervision and services in the
18 receiving state as ordered by the adjudicating judge or parole authority in the sending
19 state; (B) ensure that the public safety interests of the citizens, including the victims of
20 juvenile offenders, in both the sending and receiving states are adequately protected; (C)
21 return juveniles who have run away, absconded or escaped from supervision or control or
22 have been accused of an offense to the state requesting their return; (D) make contracts for
23 the cooperative institutionalization in public facilities in member states for delinquent
24 youth needing special services; (E) provide for the effective tracking and supervision of
25 juveniles; (F) equitably allocate the costs, benefits and obligations of the compacting states;
26 (G) establish procedures to manage the movement between states of juvenile offenders
27 released to the community under the jurisdiction of courts, juvenile departments, or any
28 other criminal or juvenile justice agency which has jurisdiction over juvenile offenders; (H)
29 insure immediate notice to jurisdictions where defined offenders are authorized to travel
30 or to relocate across state lines; (I) establish procedures to resolve pending charges
31 (detainers) against juvenile offenders prior to transfer or release to the community under
32 the terms of this compact; (J) establish a system of uniform data collection on information
33 pertaining to juveniles subject to this compact that allows access by authorized juvenile
34 justice and criminal justice officials, and regular reporting of Compact activities to heads
35 of state executive, judicial, and legislative branches and juvenile and criminal justice
36 administrators; (K) monitor compliance with rules governing interstate movement of
37 juveniles and initiate interventions to address and correct non-compliance; (L) coordinate
38 training and education regarding the regulation of interstate movement of juveniles for
39 officials involved in such activity; and (M) coordinate the implementation and operation
40 of the compact with the Interstate Compact for the Placement of Children, the Interstate
41 Compact for Adult Offender Supervision and other compacts affecting juveniles
42 particularly in those cases where concurrent or overlapping supervision issues arise. It is
43 the policy of the compacting states that the activities conducted by the Interstate
44 Commission created herein are the formation of public policies and therefore are public
45 business. Furthermore, the compacting states shall cooperate and observe their individual
46 and collective duties and responsibilities for the prompt return and acceptance of juveniles
47 subject to the provisions of this compact. The provisions of this compact shall be
48 reasonably and liberally construed to accomplish the purposes and policies of the compact.

49 ARTICLE II

50 DEFINITIONS

51 As used in this compact, unless the context clearly requires a different construction:

52 A. "Bylaws" means: those bylaws established by the Interstate Commission for its
53 governance, or for directing or controlling its actions or conduct.

54 B. "Compact Administrator" means: the individual in each compacting state
55 appointed pursuant to the terms of this compact, responsible for the administration and
56 management of the state's supervision and transfer of juveniles subject to the terms of this
57 compact, the rules adopted by the Interstate Commission and policies adopted by the State
58 Council under this compact.

59 C. "Compacting State" means: any state which has enacted the enabling legislation
60 for this compact.

61 D. "Commissioner" means: the voting representative of each compacting state
62 appointed pursuant to Article III of this compact.

63 E. "Court" means: any court having jurisdiction over delinquent, neglected, or
64 dependent children.

65 F. "Deputy Compact Administrator" means: the individual, if any, in each
66 compacting state appointed to act on behalf of a Compact Administrator pursuant to the
67 terms of this compact responsible for the administration and management of the state's
68 supervision and transfer of juveniles subject to the terms of this compact, the rules adopted
69 by the Interstate Commission and policies adopted by the State Council under this
70 compact.

71 G. "Interstate Commission" means: the Interstate Commission for Juveniles
72 created by Article III of this compact.

73 H. "Juvenile" means: any person defined as a juvenile in any member state or by
74 the rules of the Interstate Commission, including:

75 (1) Accused Delinquent - a person charged with an offense that, if committed by an
76 adult, would be a criminal offense;

77 (2) Adjudicated Delinquent - a person found to have committed an offense that, if
78 committed by an adult, would be a criminal offense;

79 (3) Accused Status Offender - a person charged with an offense that would not be
80 a criminal offense if committed by an adult;

81 (4) Adjudicated Status Offender - a person found to have committed an offense that
82 would not be a criminal offense if committed by an adult; and

83 (5) Non-Offender - a person in need of supervision who has not been accused or
84 adjudicated a status offender or delinquent.

85 I. "Non-Compacting state" means: any state which has not enacted the enabling
86 legislation for this compact.

87 **J. "Probation or Parole" means: any kind of supervision or conditional release of**
88 **juveniles authorized under the laws of the compacting states.**

89 **K. "Rule" means: a written statement by the Interstate Commission promulgated**
90 **pursuant to Article VI of this compact that is of general applicability, implements,**
91 **interprets or prescribes a policy or provision of the Compact, or an organizational,**
92 **procedural, or practice requirement of the commission, and has the force and effect of**
93 **statutory law in a compacting state, and includes the amendment, repeal, or suspension of**
94 **an existing rule.**

95 **L. "State" means: a state of the United States, the District of Columbia (or its**
96 **designee), the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American**
97 **Samoa, and the Northern Marianas Islands.**

ARTICLE III

INTERSTATE COMMISSION FOR JUVENILES

100 **A. The compacting states hereby create the "Interstate Commission for Juveniles."**
101 **The commission shall be a body corporate and joint agency of the compacting states. The**
102 **commission shall have all the responsibilities, powers and duties set forth herein, and such**
103 **additional powers as may be conferred upon it by subsequent action of the respective**
104 **legislatures of the compacting states in accordance with the terms of this compact.**

B. The Interstate Commission shall consist of commissioners appointed by the appropriate appointing authority in each state pursuant to the rules and requirements of each compacting state and in consultation with the State Council for Interstate Juvenile Supervision created hereunder. The commissioner shall be the compact administrator, deputy compact administrator or designee from that state who shall serve on the Interstate Commission in such capacity under or pursuant to the applicable law of the compacting state.

C. In addition to the commissioners who are the voting representatives of each state, the Interstate Commission shall include individuals who are not commissioners, but who are members of interested organizations. Such non-commissioner members must include a member of the national organizations of governors, legislators, state chief justices, attorneys general, Interstate Compact for Adult Offender Supervision, Interstate Compact for the Placement of Children, juvenile justice and juvenile corrections officials, and crime victims. All non-commissioner members of the Interstate Commission shall be ex-officio (non-voting) members. The Interstate Commission may provide in its bylaws for such additional ex-officio (non-voting) members, including members of other national organizations, in such numbers as shall be determined by the commission.

D. Each compacting state represented at any meeting of the commission is entitled to one vote. A majority of the compacting states shall constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the Interstate Commission.

E. The commission shall meet at least once each calendar year. The chairperson may call additional meetings and, upon the request of a simple majority of the compacting states, shall call additional meetings. Public notice shall be given of all meetings and meetings shall be open to the public.

F. The Interstate Commission shall establish an executive committee, which shall include commission officers, members, and others as determined by the bylaws. The executive committee shall have the power to act on behalf of the Interstate Commission during periods when the Interstate Commission is not in session, with the exception of rulemaking and/or amendment to the compact. The executive committee shall oversee the day-to-day activities of the administration of the compact managed by an executive director and Interstate Commission staff; administers enforcement and compliance with the provisions of the compact, its bylaws and rules, and performs such other duties as directed by the Interstate Commission or set forth in the bylaws.

G. Each member of the Interstate Commission shall have the right and power to cast a vote to which that compacting state is entitled and to participate in the business and affairs of the Interstate Commission. A member shall vote in person and shall not delegate a vote to another compacting state. However, a commissioner, in consultation with the state council, shall appoint another authorized representative, in the absence of the commissioner from that state, to cast a vote on behalf of the compacting state at a specified meeting. The bylaws may provide for members' participation in meetings by telephone or other means of telecommunication or electronic communication.

H. The Interstate Commission's bylaws shall establish conditions and procedures under which the Interstate Commission shall make its information and official records available to the public for inspection or copying. The Interstate Commission may exempt from disclosure any information or official records to the extent they would adversely affect personal privacy rights or proprietary interests.

I. Public notice shall be given of all meetings and all meetings shall be open to the public, except as set forth in the Rules or as otherwise provided in the Compact. The Interstate Commission and any of its committees may close a meeting to the public where it determines by two-thirds vote that an open meeting would be likely to:

1. Relate solely to the Interstate Commission's internal personnel practices and procedures;

- 158 **2. Disclose matters specifically exempted from disclosure by statute;**
159 **3. Disclose trade secrets or commercial or financial information which is privileged**
160 **or confidential;**
161 **4. Involve accusing any person of a crime, or formally censuring any person;**
162 **5. Disclose information of a personal nature where disclosure would constitute a**
163 **clearly unwarranted invasion of personal privacy;**
164 **6. Disclose investigative records compiled for law enforcement purposes;**
165 **7. Disclose information contained in or related to examination, operating or**
166 **condition reports prepared by, or on behalf of or for the use of, the Interstate Commission**
167 **with respect to a regulated person or entity for the purpose of regulation or supervision of**
168 **such person or entity;**
169 **8. Disclose information, the premature disclosure of which would significantly**
170 **endanger the stability of a regulated person or entity; or**
171 **9. Specifically relate to the Interstate Commission's issuance of a subpoena, or its**
172 **participation in a civil action or other legal proceeding.**
173 **J. For every meeting closed pursuant to this provision, the Interstate Commission's**
174 **legal counsel shall publicly certify that, in the legal counsel's opinion, the meeting may be**
175 **closed to the public, and shall reference each relevant exemptive provision. The Interstate**
176 **Commission shall keep minutes which shall fully and clearly describe all matters discussed**
177 **in any meeting and shall provide a full and accurate summary of any actions taken, and**
178 **the reasons therefore, including a description of each of the views expressed on any item**
179 **and the record of any roll call vote (reflected in the vote of each member on the question).**
180 **All documents considered in connection with any action shall be identified in such minutes.**
181 **K. The Interstate Commission shall collect standardized data concerning the**
182 **interstate movement of juveniles as directed through its rules which shall specify the data**
183 **to be collected, the means of collection and data exchange and reporting requirements.**
184 **Such methods of data collection, exchange and reporting shall insofar as is reasonably**
185 **possible conform to up-to-date technology and coordinate its information functions with**
186 **the appropriate repository of records.**

187 **ARTICLE IV**

188 **POWERS AND DUTIES OF THE INTERSTATE COMMISSION**

189 **The commission shall have the following powers and duties:**

- 190 **1. To provide for dispute resolution among compacting states.**
191 **2. To promulgate rules to effect the purposes and obligations as enumerated in this**
192 **compact, which shall have the force and effect of statutory law and shall be binding in the**
193 **compacting states to the extent and in the manner provided in this compact.**

194 **3. To oversee, supervise and coordinate the interstate movement of juveniles subject**
195 **to the terms of this compact and any bylaws adopted and rules promulgated by the**
196 **Interstate Commission.**

197 **4. To enforce compliance with the compact provisions, the rules promulgated by**
198 **the Interstate Commission, and the bylaws, using all necessary and proper means,**
199 **including but not limited to the use of judicial process.**

200 **5. To establish and maintain offices which shall be located within one or more of**
201 **the compacting states.**

202 **6. To purchase and maintain insurance and bonds.**

203 **7. To borrow, accept, hire or contract for services of personnel.**

204 **8. To establish and appoint committees and hire staff which it deems necessary for**
205 **the carrying out of its functions including, but not limited to, an executive committee as**
206 **required by Article III which shall have the power to act on behalf of the Interstate**
207 **Commission in carrying out its powers and duties hereunder.**

208 **9. To elect or appoint such officers, attorneys, employees, agents, or consultants,**
209 **and to fix their compensation, define their duties and determine their qualifications; and**
210 **to establish the Interstate Commission's personnel policies and programs relating to, inter**
211 **alia, conflicts of interest, rates of compensation, and qualifications of personnel.**

212 **10. To accept any and all donations and grants of money, equipment, supplies,**
213 **materials, and services, and to receive, utilize, and dispose of it.**

214 **11. To lease, purchase, accept contributions or donations of, or otherwise to own,**
215 **hold, improve or use any property, real, personal, or mixed.**

216 **12. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise**
217 **dispose of any property, real, personal or mixed.**

218 **13. To establish a budget and make expenditures and levy dues as provided in**
219 **Article VIII of this compact.**

220 **14. To sue and be sued.**

221 **15. To adopt a seal and bylaws governing the management and operation of the**
222 **Interstate Commission.**

223 **16. To perform such functions as may be necessary or appropriate to achieve the**
224 **purposes of this compact.**

225 **17. To report annually to the legislatures, governors, judiciary, and state councils**
226 **of the compacting states concerning the activities of the Interstate Commission during the**
227 **preceding year. Such reports shall also include any recommendations that may have been**
228 **adopted by the Interstate Commission.**

19. To establish uniform standards of the reporting, collecting and exchanging of data.

ARTICLE V

Section A. Bylaws

a. Establishing the fiscal year of the Interstate Commission;

c. Provide for the establishment of committees governing any general or specific function of any authority or function of the Interstate Commission;

e. Establishing the titles and responsibilities of the officers of the Interstate Commission;

g. Providing "start-up" rules for initial administration of the compact; and

Section B. Officers and Staff

1. The Interstate Commission shall, by a majority of the members, elect annually from among its members a chairperson and a vice chairperson, each of whom shall have such authority and duties as may be specified in the bylaws. The chairperson or, in the chairperson's absence or disability, the vice-chairperson shall preside at all meetings of the Interstate Commission. The officers so elected shall serve without compensation or remuneration from the Interstate Commission; provided that, subject to the availability of budgeted funds, the officers shall be reimbursed for any ordinary and necessary costs

and expenses incurred by them in the performance of their duties and responsibilities as officers of the Interstate Commission.

2. The Interstate Commission shall, through its executive committee, appoint or retain an executive director for such period, upon such terms and conditions and for such compensation as the Interstate Commission may deem appropriate. The executive director shall serve as secretary to the Interstate Commission, but shall not be a Member and shall hire and supervise such other staff as may be authorized by the Interstate Commission.

Section C. Qualified Immunity, Defense and Indemnification

1. The commission's executive director and employees shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused or arising out of or relating to any actual or alleged act, error, or omission that occurred, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided, that any such person shall not be protected from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of any such person.

2. The liability of any commissioner, or the employee or agent of a commissioner, acting within the scope of such person's employment or duties for acts, errors, or omissions occurring within such person's state may not exceed the limits of liability set forth under the Constitution and laws of that state for state officials, employees, and agents. Nothing in this subsection shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of any such person.

3. The Interstate Commission shall defend the executive director or the employees or representatives of the Interstate Commission and, subject to the approval of the Attorney General of the state represented by any commissioner of a compacting state, shall defend such commissioner or the commissioner's representatives or employees in any civil action seeking to impose liability arising out of any actual or alleged act, error or omission that occurred within the scope of Interstate Commission employment, duties or responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such person.

4. The Interstate Commission shall indemnify and hold the commissioner of a compacting state, or the commissioner's representatives or employees, or the Interstate Commission's representatives or employees, harmless in the amount of any settlement or

judgment obtained against such persons arising out of any actual or alleged act, error, or omission that occurred within the scope of Interstate Commission employment, duties, or responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such persons.

ARTICLE VI

RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

A. The Interstate Commission shall promulgate and publish rules in order to effectively and efficiently achieve the purposes of the compact.

B. Rulemaking shall occur pursuant to the criteria set forth in this article and the bylaws and rules adopted pursuant thereto. Such rulemaking shall substantially conform to the principles of the "Model State Administrative Procedures Act," 1981 Act, Uniform Laws Annotated, Vol. 15, p.1 (2000), or such other administrative procedures act, as the Interstate Commission deems appropriate consistent with due process requirements under the U.S. Constitution as now or hereafter interpreted by the U.S. Supreme Court. All rules and amendments shall become binding as of the date specified, as published with the final version of the rule as approved by the commission.

C. When promulgating a rule, the Interstate Commission shall, at a minimum:

1. publish the proposed rule's entire text stating the reason(s) for that proposed rule;

2. allow and invite any and all persons to submit written data, facts, opinions and arguments, which information shall be added to the record, and be made publicly available;

3. provide an opportunity for an informal hearing if petitioned by ten (10) or more persons; and

4. promulgate a final rule and its effective date, if appropriate, based on input from state or local officials, or interested parties.

D. Allow, not later than sixty days after a rule is promulgated, any interested person to file a petition in the United States District Court for the District of Columbia or in the Federal District Court where the Interstate Commission's principal office is located for judicial review of such rule. If the court finds that the Interstate Commission's action is not supported by substantial evidence in the rulemaking record, the court shall hold the rule unlawful and set it aside. For purposes of this subsection, evidence is substantial if it would be considered substantial evidence under the Model State Administrative Procedures Act.

E. If a majority of the legislatures of the compacting states rejects a rule, those states may, by enactment of a statute or resolution in the same manner used to adopt the compact, cause that such rule shall have no further force and effect in any compacting state.

F. The existing rules governing the operation of the Interstate Compact on Juveniles superseded by this act shall be null and void twelve (12) months after the first meeting of the Interstate Commission created hereunder.

G. Upon determination by the Interstate Commission that a state-of-emergency exists, it may promulgate an emergency rule which shall become effective immediately upon adoption, provided that the usual rulemaking procedures provided hereunder shall be retroactively applied to said rule as soon as reasonably possible, but no later than ninety (90) days after the effective date of the emergency rule.

ARTICLE VII

OVERSIGHT, ENFORCEMENT AND DISPUTE RESOLUTION

BY THE INTERSTATE COMMISSION

Section A. Oversight

1. The Interstate Commission shall oversee the administration and operations of the interstate movement of juveniles subject to this compact in the compacting states and shall monitor such activities being administered in non-compacting states which may significantly affect compacting states.

2. The courts and executive agencies in each compacting state shall enforce this compact and shall take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall be received by all the judges, public officers, commissions, and departments of the state government as evidence of the authorized statute and administrative rules. All courts shall take judicial notice of the compact and the rules. In any judicial or administrative proceeding in a compacting state pertaining to the subject matter of this compact which may affect the powers, responsibilities or actions of the Interstate Commission, it shall be entitled to receive all service of process in any such proceeding, and shall have standing to intervene in the proceeding for all purposes.

Section B. Dispute Resolution

1. The compacting states shall report to the Interstate Commission on all issues and activities necessary for the administration of the compact as well as issues and activities pertaining to compliance with the provisions of the compact and its bylaws and rules.

2. The Interstate Commission shall attempt, upon the request of a compacting state, to resolve any disputes or other issues which are subject to the compact and which may

373 arise among compacting states and between compacting and non-compacting states. The
374 commission shall promulgate a rule providing for both mediation and binding dispute
375 resolution for disputes among the compacting states.

376 3. The Interstate Commission, in the reasonable exercise of its discretion, shall
377 enforce the provisions and rules of this compact using any or all means set forth in Article
378 XI of this compact.

379 ARTICLE VIII

380 FINANCE

381 A. The Interstate Commission shall pay or provide for the payment of the
382 reasonable expenses of its establishment, organization and ongoing activities.

383 B. The Interstate Commission shall levy on and collect an annual assessment from
384 each compacting state to cover the cost of the internal operations and activities of the
385 Interstate Commission and its staff which must be in a total amount sufficient to cover the
386 Interstate Commission's annual budget as approved each year. The aggregate annual
387 assessment amount shall be allocated based upon a formula to be determined by the
388 Interstate Commission, taking into consideration the population of each compacting state
389 and the volume of interstate movement of juveniles in each compacting state and shall
390 promulgate a rule binding upon all compacting states which governs said assessment.

391 C. The Interstate Commission shall not incur any obligations of any kind prior to
392 securing the funds adequate to meet the same; nor shall the Interstate Commission pledge
393 the credit of any of the compacting states, except by and with the authority of the
394 compacting state.

395 D. The Interstate Commission shall keep accurate accounts of all receipts and
396 disbursements. The receipts and disbursements of the Interstate Commission shall be
397 subject to the audit and accounting procedures established under its bylaws. However, all
398 receipts and disbursements of funds handled by the Interstate Commission shall be audited
399 yearly by a certified or licensed public accountant and the report of the audit shall be
400 included in and become part of the annual report of the Interstate Commission.

401 ARTICLE IX

402 THE STATE COUNCIL

403 Each member state shall create a State Council for Interstate Juvenile Supervision.
404 While each state may determine the membership of its own state council, its membership
405 must include at least one representative from the legislative, judicial, and executive
406 branches of government, victims groups, and the compact administrator, deputy compact
407 administrator or designee. Each compacting state retains the right to determine the
408 qualifications of the compact administrator or deputy compact administrator. Each state

council will advise and may exercise oversight and advocacy concerning that state's participation in Interstate Commission activities and other duties as may be determined by that state, including but not limited to, development of policy concerning operations and procedures of the compact within that state.

ARTICLE X

COMPACTING STATES, EFFECTIVE DATE AND AMENDMENT

A. Any state, the District of Columbia (or its designee), the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Northern Marianas Islands as defined in Article II of this compact is eligible to become a compacting state.

B. The compact shall become effective and binding upon legislative enactment of the compact into law by no less than 35 of the states. The initial effective date shall be the later of July 1, 2004, or upon enactment into law by the 35th jurisdiction. Thereafter, it shall become effective and binding as to any other compacting state upon enactment of the compact into law by that state. The governors of non-member states or their designees shall be invited to participate in the activities of the Interstate Commission on a non-voting basis prior to adoption of the compact by all states and territories of the United States.

C. The Interstate Commission may propose amendments to the compact for enactment by the compacting states. No amendment shall become effective and binding upon the Interstate Commission and the compacting states unless and until it is enacted into law by unanimous consent of the compacting states.

ARTICLE XI

WITHDRAWAL, DEFAULT, TERMINATION AND JUDICIAL ENFORCEMENT

Section A. Withdrawal

1. Once effective, the compact shall continue in force and remain binding upon each and every compacting state; provided that a compacting state may withdraw from the compact by specifically repealing the statute which enacted the compact into law.

2. The effective date of withdrawal is the effective date of the repeal.

3. The withdrawing state shall immediately notify the chairperson of the Interstate Commission in writing upon the introduction of legislation repealing this compact in the withdrawing state. The Interstate Commission shall notify the other compacting states of the withdrawing state's intent to withdraw within sixty days of its receipt thereof.

4. The withdrawing state is responsible for all assessments, obligations and liabilities incurred through the effective date of withdrawal, including any obligations, the performance of which extend beyond the effective date of withdrawal.

443 **5. Reinstatement following withdrawal of any compacting state shall occur upon**
444 **the withdrawing state reenacting the compact or upon such later date as determined by the**
445 **Interstate Commission.**

446 **Section B. Technical Assistance, Fines, Suspension, Termination and Default**

447 **1. If the Interstate Commission determines that any compacting state has at any**
448 **time defaulted in the performance of any of its obligations or responsibilities under this**
449 **compact, or the bylaws or duly promulgated rules, the Interstate Commission may impose**
450 **any or all of the following penalties:**

451 **a. Remedial training and technical assistance as directed by the Interstate**
452 **Commission;**

453 **b. Alternative Dispute Resolution;**

454 **c. Fines, fees, and costs in such amounts as are deemed to be reasonable as fixed by**
455 **the Interstate Commission; and**

456 **d. Suspension or termination of membership in the compact, which shall be**
457 **imposed only after all other reasonable means of securing compliance under the bylaws**
458 **and rules have been exhausted and the Interstate Commission has therefore determined**
459 **that the offending state is in default. Immediate notice of suspension shall be given by the**
460 **Interstate Commission to the Governor, the Chief Justice or the Chief Judicial Officer of**
461 **the state, the Majority and Minority Leaders of the defaulting state's legislature, and the**
462 **state council. The grounds for default include, but are not limited to, failure of a**
463 **compacting state to perform such obligations or responsibilities imposed upon it by this**
464 **compact, the bylaws, or duly promulgated rules and any other grounds designated in**
465 **commission bylaws and rules. The Interstate Commission shall immediately notify the**
466 **defaulting state in writing of the penalty imposed by the Interstate Commission and of the**
467 **default pending a cure of the default. The commission shall stipulate the conditions and**
468 **the time period within which the defaulting state must cure its default. If the defaulting**
469 **state fails to cure the default within the time period specified by the commission, the**
470 **defaulting state shall be terminated from the compact upon an affirmative vote of a**
471 **majority of the compacting states and all rights, privileges and benefits conferred by this**
472 **compact shall be terminated from the effective date of termination.**

473 **2. Within sixty days of the effective date of termination of a defaulting state, the**
474 **commission shall notify the Governor, the Chief Justice or Chief Judicial Officer, the**
475 **Majority and Minority Leaders of the defaulting state's legislature, and the state council**
476 **of such termination.**

477 **3. The defaulting state is responsible for all assessments, obligations and liabilities**
478 **incurred through the effective date of termination including any obligations, the**
479 **performance of which extends beyond the effective date of termination.**

480 **4. The Interstate Commission shall not bear any costs relating to the defaulting**
481 **state unless otherwise mutually agreed upon in writing between the Interstate Commission**
482 **and the defaulting state.**

483 **5. Reinstatement following termination of any compacting state requires both a**
484 **reenactment of the compact by the defaulting state and the approval of the Interstate**
485 **Commission pursuant to the rules.**

486 **Section C. Judicial Enforcement**

487 **The Interstate Commission may, by majority vote of the members, initiate legal**
488 **action in the United States District Court for the District of Columbia or, at the discretion**
489 **of the Interstate Commission, in the federal district where the Interstate Commission has**
490 **its offices, to enforce compliance with the provisions of the compact, its duly promulgated**
491 **rules and bylaws, against any compacting state in default. In the event judicial enforcement**
492 **is necessary the prevailing party shall be awarded all costs of such litigation including**
493 **reasonable attorneys fees.**

494 **Section D. Dissolution of Compact**

495 **1. The compact dissolves effective upon the date of the withdrawal or default of the**
496 **compacting state, which reduces membership in the compact to one compacting state.**

497 **2. Upon the dissolution of this compact, the compact becomes null and void and**
498 **shall be of no further force or effect, and the business and affairs of the Interstate**
499 **Commission shall be concluded and any surplus funds shall be distributed in accordance**
500 **with the bylaws.**

501 **ARTICLE XII**

502 **SEVERABILITY AND CONSTRUCTION**

503 **A. The provisions of this compact shall be severable, and if any phrase, clause,**
504 **sentence or provision is deemed unenforceable, the remaining provisions of the compact**
505 **shall be enforceable.**

506 **B. The provisions of this compact shall be liberally construed to effectuate its**
507 **purposes.**

508 **ARTICLE XIII**

509 **BINDING EFFECT OF COMPACT AND OTHER LAWS**

510 **Section A. Other Laws**

511 **1. Nothing herein prevents the enforcement of any other law of a compacting state**
512 **that is not inconsistent with this compact.**

513 **2. All compacting states' laws other than state Constitutions and other interstate**
514 **compacts conflicting with this compact are superseded to the extent of the conflict.**

515 **Section B. Binding Effect of the Compact**

516 **1. All lawful actions of the Interstate Commission, including all rules and bylaws**
517 **promulgated by the Interstate Commission, are binding upon the compacting states.**

518 **2. All agreements between the Interstate Commission and the compacting states are**
519 **binding in accordance with their terms.**

520 **3. Upon the request of a party to a conflict over meaning or interpretation of**
521 **Interstate Commission actions, and upon a majority vote of the compacting states, the**
522 **Interstate Commission may issue advisory opinions regarding such meaning or**
523 **interpretation.**

524 **4. In the event any provision of this compact exceeds the constitutional limits**
525 **imposed on the legislature of any compacting state, the obligations, duties, powers or**
526 **jurisdiction sought to be conferred by such provision upon the Interstate Commission shall**
527 **be ineffective and such obligations, duties, powers or jurisdiction shall remain in the**
528 **compacting state and shall be exercised by the agency thereof to which such obligations,**
529 **duties, powers or jurisdiction are delegated by law in effect at the time this compact**
530 **becomes effective.**

210.580. The compact shall become **effective and** binding upon the state of Missouri
2 [when signed by the commissioners as herein provided and by the proper authorities of any other
3 state entering into the compact] **upon legislative enactment of the compact into law by no less**
4 **than thirty-five of the states. The initial effective date shall be the later of August 28, 2006,**
5 **or upon enactment into law by the thirty-fifth jurisdiction. Thereafter it shall become**
6 **effective and binding as to any other compacting state upon enactment of the compact into**
7 **law by that state.**

210.762. 1. When a child is taken into custody by a juvenile officer or law enforcement
2 official under subdivision (1) of subsection 1 of section 211.031, RSMo, and initially placed with
3 the division, the division may make a temporary placement and shall arrange for a family support
4 team meeting prior to or within twenty-four hours following the protective custody hearing held
5 under section 211.032, RSMo. After a child is in the division's custody and a temporary
6 placement has been made, the division shall arrange an additional family support team meeting
7 prior to taking any action relating to the placement of such child; except that, when the welfare
8 of a child in the custody of the division requires an immediate or emergency change of
9 placement, the division may make a temporary placement and shall schedule a family support
10 team meeting within seventy-two hours. **The requirement for a family support team meeting**
11 **shall not apply when the parent has consented in writing to the termination of his or her**

12 **parental rights in conjunction with a placement with a licensed child placing agency under**
13 **subsection 6 of section 453.010, RSMo.**

14 2. The parents, the legal counsel for the parents, the foster parents, the legal guardian or
15 custodian of the child, the guardian ad litem for the child, and the volunteer advocate, and any
16 designee of the parent that has written authorization shall be notified and invited to participate
17 in all family support team meetings. The family support team meeting may include such other
18 persons whose attendance at the meeting may assist the team in making appropriate decisions
19 in the best interests of the child. If the division finds that it is not in the best interest of a child
20 to be placed with relatives, the division shall make specific findings in the division's report
21 detailing the reasons why the best interests of the child necessitate placement of the child with
22 persons other than relatives.

23 3. The division shall use the form created in subsection 2 of section 210.147 to be signed
24 upon the conclusion of the meeting pursuant to subsection 1 of this section confirming that all
25 involved parties are aware of the team's decision regarding the custody and placement of the
26 child. Any dissenting views must be recorded and attested to on such form.

27 4. The case manager shall be responsible for including such form with the case records
28 of the child.

211.319. 1. On or before July 1, 2005, all juvenile court proceedings conducted pursuant
2 to subdivision (1) of subsection 1 of section 211.031 and for termination of parental rights cases
3 pursuant to sections 211.442 to 211.487 initiated by a juvenile officer or the division shall be
4 open to the public; **except that, when the parent has consented in writing to the termination**
5 **of his or her parental rights in conjunction with a placement with a licensed child placing**
6 **agency under subsection 6 of section 453.010, RSMo, the hearing shall be closed.** The court,
7 on its own motion, may exclude for good cause shown any person or persons from the
8 proceedings to protect the welfare and best interests of the child and for exceptional
9 circumstances. Any party to a juvenile court proceeding referred to in this subsection, except the
10 state, may file a motion requesting that the general public be excluded from the proceeding or
11 any portion of the proceeding. Upon the filing of such motion, the court shall hear arguments
12 by the parties, but no evidence, and shall make a determination whether closure is in the best
13 interest of the parties or whether it is in the public interest to deny such motion. The court shall
14 make a finding on the record when a motion to close a hearing pursuant to this section is made
15 and heard by the court.

16 2. Notwithstanding the provisions of subsection 1 of this section, the general public shall
17 be excluded from all juvenile court proceedings referred to in subsection 1 of this section during
18 the testimony of any child or victim and only such persons who have a direct interest in the case
19 or in the work of the court will be admitted to the proceedings.

20 3. For juvenile court proceedings described in subsection 1 of this section, pleadings and
21 orders of the juvenile court other than confidential files and those specifically ordered closed by
22 the juvenile court judge shall be open to the general public. For purposes of this section,
23 "confidential file" means all other records and reports considered closed or confidential by law,
24 including but not limited to medical reports, psychological or psychiatric evaluations,
25 investigation reports of the children's division, social histories, home studies, and police reports
26 and law enforcement records. Only persons who are found by the court to have a legitimate
27 interest shall be allowed access to confidential or closed files. In determining whether a person
28 has a legitimate interest, the court shall consider the nature of the proceedings, the welfare and
29 safety of the public, and the interest of any child involved.

30 4. For records made available to the public pursuant to this section:

31 (1) The identity of any child involved except the perpetrator shall not be disclosed and
32 all references in such records to the identity of any child involved except the perpetrator shall be
33 redacted prior to disclosure to the public; and

34 (2) All information that may identify or lead to the disclosure of the identity of a reporter
35 of child abuse under sections 210.109 to 210.183, RSMo, and section 352.400, RSMo, shall not
36 be disclosed to the public.

37 5. The provisions of this section shall apply to juvenile court proceedings and records
38 specified in this section in which the initial pleadings are filed on or after July 1, 2005.

211.444. 1. The juvenile court may, upon petition of the juvenile officer **or a child**
2 **placing agency licensed under sections 210.481 to 210.536, RSMo, in conjunction with a**
3 **placement with such licensed child placing agency under subsection 6 of section 453.010,**
4 **RSMo,** or the court before which a petition for adoption has been filed pursuant to the provisions
5 of chapter 453, RSMo, terminate the rights of a parent to a child if the court finds that such
6 termination is in the best interests of the child and the parent has consented in writing to the
7 termination of his or her parental rights.

8 2. The written consent required by subsection 1 of this section may be executed before
9 or after the institution of the proceedings and shall be acknowledged before a notary public. In
10 lieu of such acknowledgment, the signature of the person giving the written consent shall be
11 witnessed by at least two adult persons who are present at the execution whose signatures and
12 addresses shall be plainly written thereon and who determine and certify that the consent is
13 knowingly and freely given. The two adult witnesses shall not be the prospective parents. The
14 notary public or witnesses shall verify the identity of the party signing the consent.

15 3. The written consent required by subsection 1 of this section shall be valid and
16 effective only after the child is at least forty-eight hours old and if it complies with the other
17 requirements of section 453.030, RSMo.

453.010. 1. Any person desiring to adopt another person as his or her child shall petition
2 the juvenile division of the circuit court of the county in which:

- 3 (1) The person seeking to adopt resides;
- 4 (2) The child sought to be adopted was born;
- 5 (3) The child is located at the time of the filing of the petition; or
- 6 (4) Either birth person resides.

7 2. A petition to adopt shall not be dismissed or denied on the grounds that the petitioner
8 is not domiciled or does not reside in any of the venues set forth in subdivision (2), (3) or (4) of
9 subsection 1 of this section.

10 3. If the person sought to be adopted is a child who is under the prior and continuing
11 jurisdiction of a court pursuant to the provision of chapter 211, RSMo, any person desiring to
12 adopt such person as his or her child shall petition the juvenile division of the circuit court which
13 has jurisdiction over the child for permission to adopt such person as his or her child. Upon
14 receipt of a motion from the petitioner and consent of the receiving court, the juvenile division
15 of the circuit court which has jurisdiction over the child may transfer jurisdiction to the juvenile
16 division of a circuit court within any of the alternative venues set forth in subsection 1 of this
17 section.

18 4. If the petitioner has a spouse living and competent to join in the petition, such spouse
19 may join therein, and in such case the adoption shall be by them jointly. If such a spouse does
20 not join the petition the court in its discretion may, after a hearing, order such joinder, and if such
21 order is not complied with may dismiss the petition.

22 5. Upon receipt of a properly filed petition, a court, as defined in this section, shall hear
23 such petition in a timely fashion. A court or any child-placing agency shall not deny or delay the
24 placement of a child for adoption when an approved family is available, regardless of the
25 approved family's residence or domicile. The court shall expedite the placement of a child for
26 adoption pursuant to subsection 3 of this section.

27 **6. A licensed child placing agency may file a petition for transfer of custody if a**
28 **birth parent consents in writing, by power of attorney for the placement of a minor child,**
29 **a consent to adoption or any other document which evidences a desire to place the child**
30 **with the licensed child placing agency, for the purposes of transfer of custody of the child**
31 **to the licensed child placing agency.**

453.011. 1. In all cases [in which] **involving** the termination of parental rights,
2 **placement**, or adoption of a child [is] , **whether voluntary or** contested by any person or
3 agency, the [trial] court shall, consistent with due process, expedite the [contested] termination,
4 **placement**, or adoption proceeding by entering such scheduling orders as are necessary to ensure
5 that the case is not delayed, and such case shall be given priority in setting a final hearing of the

6 proceeding and shall be heard at the earliest possible date over other civil litigation, other than
7 **children's** division [of family services'] child protection cases.

8 2. In all **contested** cases as specified in subsection 1 of this section which are appealed
9 from the decision of a trial court:

10 (1) The transcript from the prior court proceeding shall be provided to the appellate court
11 no later than thirty days from the date the appeal is filed; and

12 (2) The appellate court shall, consistent with its rules, expedite the contested termination
13 of parental rights or adoption case by entering such scheduling orders as are necessary to ensure
14 that a ruling will be entered within thirty days of the close of oral arguments, and such case shall
15 be given priority over all other civil litigation, other than **children's** division [of family services']
16 child protection cases, in reaching a determination on the status of the termination of parental
17 rights or of the adoption; and

18 (3) In no event shall the court permit more than one request for an extension by either
19 party.

20 3. It is the intent of the general assembly that the permanency of the placement of a child
21 who is the subject of a termination of parental rights proceeding, **a placement proceeding**, or
22 an adoption proceeding not be delayed any longer than is absolutely necessary consistent with
23 the rights of all parties, but that the rights of the child to permanency at the earliest possible date
24 be given priority over all other civil litigation other than **children's** division [of family services']
25 child protection cases.

2 [210.570. Within sixty days after sections 210.570 to 210.600 become
3 effective, the governor, by and with the advice and consent of the senate, shall
4 appoint three commissioners to enter into a compact on behalf of the state of
5 Missouri with other states. If the senate is not in session at the time for making
6 such appointments, the governor shall make temporary appointments as in the
7 case of a vacancy. Any two of the commissioners so appointed together with the
8 attorney general of the state of Missouri may act to enter into the following
9 compact:

10 INTERSTATE COMPACT ON JUVENILES

11 The contracting states solemnly agree:

12 ARTICLE I

13 That juveniles who are not under proper supervision and control, or who
14 have absconded, escaped or run away, are likely to endanger their own health,
15 morals and welfare, and the health, morals and welfare of others. The
16 cooperation of the states party to this compact is therefore necessary to provide
17 for the welfare and protection of juveniles and of the public with respect to (1)
18 cooperative supervision of delinquent juveniles on probation or parole; (2) the
19 return, from one state to another, of delinquent juveniles who have escaped or
absconded; (3) the return, from one state to another, of nondelinquent juveniles

who have run away from home; and (4) additional measures for the protection of juveniles and of the public, which any two or more of the party states may find desirable to undertake cooperatively. In carrying out the provisions of this compact the party states shall be guided by the noncriminal, reformatory and protective policies which guide their laws concerning delinquent, neglected or dependent juveniles generally. It shall be the policy of the states party to this compact to cooperate and observe their respective responsibilities for the prompt return and acceptance of juveniles and delinquent juveniles who become subject to the provisions of this compact. The provisions of this compact shall be reasonably and liberally construed to accomplish the foregoing purposes.

ARTICLE II

That all remedies and procedures provided by this compact shall be in addition to and not in substitution for other rights, remedies and procedures, and shall not be in derogation of parental rights and responsibilities.

ARTICLE III

That, for the purposes of this compact, "delinquent juvenile" means any juvenile who has been adjudged delinquent and who, at the time the provisions of this compact are invoked, is still subject to the jurisdiction of the court that has made such adjudication or to the jurisdiction or supervision of an agency or institution pursuant to an order of such court; "probation or parole" means any kind of conditional release of juveniles authorized under the laws of the states party hereto; "court" means any court having jurisdiction over delinquent, neglected or dependent children; "state" means any state, territory or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico; and "residence" or any variant thereof means a place at which a home or regular place of abode is maintained.

ARTICLE IV

(a) That the parent, guardian, person or agency entitled to legal custody of a juvenile who has not been adjudged delinquent but who has run away without the consent of such parent, guardian, person or agency may petition the appropriate court in the demanding state for the issuance of a requisition for his return. The petition shall state the name and age of the juvenile, the name of the petitioner and the basis of entitlement to the juvenile's custody, the circumstances of his running away, his location if known at the time application is made, and such other facts as may tend to show that the juvenile who has run away is endangering his own welfare or the welfare of others and is not an emancipated minor. The petition shall be verified by affidavit, shall be executed in duplicate, and shall be accompanied by two certified copies of the document or documents on which the petitioner's entitlement to the juvenile's custody is based, such as birth certificates, letters of guardianship, or custody decrees. Such further affidavits and other documents as may be deemed proper may be submitted with such petition. The judge of the court to which this application is made may hold a hearing thereon to determine whether for the purposes of this compact the

petitioner is entitled to the legal custody of the juvenile, whether or not it appears that the juvenile has in fact run away without consent, whether or not he is an emancipated minor, and whether or not it is in the best interest of the juvenile to compel his return to the state. If the judge determines, either with or without a hearing, that the juvenile should be returned, he shall present to the appropriate court or to the executive authority of the state where the juvenile is alleged to be located a written requisition for the return of such juvenile. Such requisition shall set forth the name and age of the juvenile, the determination of the court that the juvenile has run away without the consent of a parent, guardian, person or agency entitled to his legal custody, and that it is in the best interest and for the protection of such juvenile that he be returned. In the event that a proceeding for the adjudication of the juvenile as a delinquent, neglected or dependent juvenile is pending in the court at the time when such juvenile runs away, the court may issue a requisition for the return of such juvenile upon its own motion, regardless of the consent of the parent, guardian, person or agency entitled to legal custody, reciting therein the nature and circumstances of the pending proceeding. The requisition shall in every case be executed in duplicate and shall be signed by the judge. One copy of the requisition shall be filed with the compact administrator of the demanding state, there to remain on file subject to the provisions of law governing records of such court. Upon the receipt of a requisition demanding the return of a juvenile who has run away, the court or the executive authority to whom the requisition is addressed shall issue an order to any peace officer or other appropriate person directing him to take into custody and detain such juvenile. Such detention order must substantially recite the facts necessary to the validity of its issuance hereunder. No juvenile detained upon such order shall be delivered over to the officer whom the court demanding him shall have appointed to receive him, unless he shall first be taken forthwith before a judge of a court in the state, who shall inform him of the demand made for his return, and who may appoint counsel or guardian ad litem for him. If the judge of such court shall find that the requisition is in order, he shall deliver such juvenile over to the officer whom the court demanding him shall have appointed to receive him. The judge, however, may fix a reasonable time to be allowed for the purpose of testing the legality of the proceeding.

Upon reasonable information that a person is a juvenile who has run away from another state party to this compact without the consent of a parent, guardian, person or agency entitled to his legal custody, such juvenile may be taken into custody without a requisition and brought forthwith before a judge of the appropriate court who may appoint counsel or guardian ad litem for such juvenile and who shall determine after a hearing whether sufficient cause exists to hold the person, subject to the order of the court, for his own protection and welfare, for such a time not exceeding ninety days as will enable his return to another state party to this compact pursuant to a requisition for his return from a court of that state. If, at the time when a state seeks the return of a juvenile who has run away,

there is pending in the state wherein he is found any criminal charge, or any proceeding to have him adjudicated a delinquent juvenile for an act committed in such state, or if he is suspected of having committed within such state a criminal offense or an act of juvenile delinquency, he shall not be returned without the consent of such state until discharged from prosecution or other form of proceeding, imprisonment, detention or supervision for such offense or juvenile delinquency. The duly accredited officers of any state party to this compact, upon the establishment of their authority and the identity of the juvenile being returned, shall be permitted to transport such juvenile through any and all states party to this compact, without interference. Upon his return to the state from which he ran away, the juvenile shall be subject to such further proceedings as may be appropriate under the laws of that state.

(b) That the state to which a juvenile is returned under this Article shall be responsible for payment of the transportation costs of such return.

(c) That "juvenile" as used in this Article means any person who is a minor under the law of the state of residence of the parent, guardian, person or agency entitled to the legal custody of such minor.

ARTICLE V

(a) That the appropriate person or authority from whose probation or parole supervision a delinquent juvenile has absconded or from whose institutional custody he has escaped shall present to the appropriate court or to the executive authority of the state where the delinquent juvenile is alleged to be located a written requisition for the return of such delinquent juvenile. Such requisition shall state the name and age of the delinquent juvenile, the particulars of his adjudication as a delinquent juvenile, the circumstances of the breach of the terms of his probation or parole or of his escape from an institution or agency vested with his legal custody or supervision, and the location of such delinquent juvenile, if known, at the time the requisition is made. The requisition shall be verified by affidavit, shall be executed in duplicate, and shall be accompanied by two certified copies of the judgment, formal adjudication, or order of commitment which subjects such delinquent juvenile to probation or parole or to the legal custody of the institution or agency concerned. Such further affidavits and other documents as may be deemed proper may be submitted with such requisition. One copy of the requisition shall be filed with the compact administrator of the demanding state, there to remain on file subject to the provisions of law governing records of the appropriate court. Upon the receipt of a requisition demanding the return of a delinquent juvenile who has absconded or escaped, the court or the executive authority to whom the requisition is addressed shall issue an order to any peace officer or other appropriate person directing him to take into custody and detain such delinquent juvenile. Such detention order must substantially recite the facts necessary to the validity of the issuance hereunder. No delinquent juvenile detained upon such order shall be delivered over to the officer whom the appropriate person or authority demanding

him shall have appointed to receive him, unless he shall first be taken forthwith before a judge of an appropriate court in the state, who shall inform him of the demand made for his return and who may appoint counsel or guardian ad litem for him. If the judge of such court shall find that the requisition is in order, he shall deliver such delinquent juvenile over to the officer whom the appropriate person or authority demanding him shall have appointed to receive him. The judge, however, may fix a reasonable time to be allowed for the purpose of testing the legality of the proceeding.

Upon reasonable information that a person is a delinquent juvenile who has absconded while on probation or parole, or escaped from an institution or agency vested with his legal custody or supervision in any state party to this compact, such person may be taken into custody in any other state party to this compact without a requisition. But in such event, he must be taken forthwith before a judge of the appropriate court, who may appoint counsel or guardian ad litem for such person and who shall determine, after a hearing, whether sufficient cause exists to hold the person subject to the order of the court for such a time, not exceeding ninety days, as will enable his detention under a detention order issued on a requisition pursuant to this Article. If, at the time when a state seeks the return of a delinquent juvenile who has either absconded while on probation or parole or escaped from an institution or agency vested with his legal custody or supervision, there is pending in the state wherein he is detained any criminal charge or any proceeding to have him adjudicated a delinquent juvenile for an act committed in such state, or if he is suspected of having committed within such state a criminal offense or an act of juvenile delinquency, he shall not be returned without the consent of such state until discharged from prosecution or other form of proceeding, imprisonment, detention or supervision for such offense or juvenile delinquency. The duly accredited officers of any state party to this compact, upon the establishment of their authority and the identity of the delinquent juvenile being returned, shall be permitted to transport such delinquent juvenile through any and all states party to this compact, without interference. Upon his return to the state from which he escaped or absconded, the delinquent juvenile shall be subject to such further proceedings as may be appropriate under the laws of that state.

(b) That the state to which a delinquent juvenile is returned under this Article shall be responsible for payment of the transportation costs of such return.

ARTICLE VI

That any delinquent juvenile who has absconded while on probation or parole, or escaped from an institution or agency vested with his legal custody or supervision in any state party to this compact, and any juvenile who has run away from any state party to this compact, who is taken into custody without a requisition in another state party to this compact under the provisions of Article IV(a) or of Article V(a), may consent to his immediate return to the state from

192 which he absconded, escaped or ran away. Such consent shall be given by the
193 juvenile or delinquent juvenile and his counsel or guardian ad litem if any, by
194 executing or subscribing a writing, in the presence of a judge of the appropriate
195 court, which states that the juvenile or delinquent juvenile and his counsel or
196 guardian ad litem, if any, consent to his return to the demanding state. Before
197 such consent shall be executed or subscribed, however, the judge, in the presence
198 of counsel or guardian ad litem, if any, shall inform the juvenile or delinquent
199 juvenile of his rights under this compact. When the consent has been duly
200 executed, it shall be forwarded to and filed with the compact administrator of the
201 state in which the court is located and the judge shall direct the officer having the
202 juvenile or delinquent juvenile in custody to deliver him to the duly accredited
203 officer or officers of the state demanding his return, and shall cause to be
204 delivered to such officer or officers a copy of the consent. The court may,
205 however, upon the request of the state to which the juvenile or delinquent
206 juvenile is being returned, order him to return unaccompanied to such state and
207 shall provide him with a copy of such court order; in such event a copy of the
208 consent shall be forwarded to the compact administrator of the state to which said
209 juvenile or delinquent juvenile is ordered to return.

210 ARTICLE VII

211 (a) That the duly constituted judicial and administrative authorities of a
212 state party to this compact (herein called "sending state") may permit any
213 delinquent juvenile within such state, placed on probation or parole, to reside in
214 any other state party to this compact (herein called "receiving state") while on
215 probation or parole, and the receiving state shall accept such delinquent juvenile,
216 if the parent, guardian or person entitled to the legal custody of such delinquent
217 juvenile is residing or undertakes to reside within the receiving state. Before
218 granting such permission, opportunity shall be given to the receiving state to
219 make such investigations as it deems necessary. The authorities of the sending
220 state shall send to the authorities of the receiving state copies of pertinent court
221 orders, social case studies and all other available information which may be of
222 value to and assist the receiving state in supervising a probationer or parolee
223 under this compact. A receiving state, in its discretion, may agree to accept
224 supervision of a probationer or parolee in cases where the parent, guardian or
225 person entitled to the legal custody of the delinquent juvenile is not a resident of
226 the receiving state, and if so accepted the sending state may transfer supervision
227 accordingly.

228 (b) That each receiving state will assume the duties of visitation and of
229 supervision over any such delinquent juvenile and in the exercise of those duties
230 will be governed by the same standards of visitation and supervision that prevail
231 for its own delinquent juveniles released on probation or parole.

232 (c) That, after consultation between the appropriate authorities of the
233 sending state and of the receiving state as to the desirability and necessity of
234 returning such a delinquent juvenile, the duly accredited officers of a sending

state may enter a receiving state and there apprehend and retake any such delinquent juvenile on probation or parole. For that purpose, no formalities will be required, other than establishing the authority of the officer and the identity of the delinquent juvenile to be retaken and returned. The decision of the sending state to retake a delinquent juvenile on probation or parole shall be conclusive upon and not reviewable within the receiving state, but if, at the time the sending state seeks to retake a delinquent juvenile on probation or parole, there is pending against him within the receiving state any criminal charge or any proceeding to have him adjudicated a delinquent juvenile for any act committed in such state, or if he is suspected of having committed within such state a criminal offense or an act of juvenile delinquency, he shall not be returned without the consent of the receiving state until discharged from prosecution or other form of proceeding, imprisonment, detention or supervision for such offense or juvenile delinquency. The duly accredited officers of the sending state shall be permitted to transport delinquent juveniles being so returned through any and all states party to this compact, without interference.

(d) That the sending state shall be responsible under this Article for paying the costs of transporting any delinquent juvenile to the receiving state or of returning any delinquent juvenile to the sending state.

ARTICLE VIII

(a) That the provisions of Articles IV(b), V(b) and VII(d) of this compact shall not be construed to alter or affect any internal relationship among the departments, agencies and officers of and in the government of a party state, or between a party state and its subdivisions, as to the payment of costs, or responsibilities therefor.

(b) That nothing in this compact shall be construed to prevent any party state or subdivision thereof from asserting any right against any person, agency or other entity in regard to costs for which such party state or subdivision thereof may be responsible pursuant to Articles IV(b), V(b) or VII(d) of this compact.

ARTICLE IX

That, to every extent possible, it shall be the policy of states party to this compact that no juvenile or delinquent juvenile shall be placed or detained in any prison, jail or lockup nor be detained or transported in association with criminal, vicious or dissolute persons.

ARTICLE X

That the duly constituted administrative authorities of a state party to this compact may enter into supplementary agreements with any other state or states party hereto for the cooperative care, treatment and rehabilitation of delinquent juveniles whenever they shall find that such agreements will improve the facilities or programs available for such care, treatment and rehabilitation. Such care, treatment and rehabilitation may be provided in an institution located within any state entering into such supplementary agreement. Such supplementary agreements shall (1) provide the rates to be paid for the care, treatment and

278 custody of such delinquent juveniles, taking into consideration the character of
279 facilities, services and subsistence furnished; (2) provide that the delinquent
280 juvenile shall be given a court hearing prior to his being sent to another state for
281 care, treatment and custody; (3) provide that the state receiving such a delinquent
282 juvenile in one of its institutions shall act solely as agent for the state sending
283 such delinquent juvenile; (4) provide that the sending state shall at all times retain
284 jurisdiction over delinquent juveniles sent to an institution in another state; (5)
285 provide for reasonable inspection of such institutions by the sending state; (6)
286 provide that the consent of the parent, guardian, person or agency entitled to the
287 legal custody of said delinquent juvenile shall be secured prior to his being sent
288 to another state; and (7) make provision for such other matters and details as shall
289 be necessary to protect the rights and equities of such delinquent juveniles and
290 of the cooperating states.

291 ARTICLE XI

292 That any state party to this compact may accept any and all donations,
293 gifts and grants of money, equipment and services from the federal or any local
294 government, or any agency thereof and from any person, firm or corporation, for
295 any of the purposes and functions of this compact, and may receive and utilize
296 the same subject to the terms, conditions and regulations governing such
297 donations, gifts and grants.

298 ARTICLE XII

299 That the governor of each state party to this compact shall designate an
300 officer who, acting jointly with like officers of other party states, shall
301 promulgate rules and regulations to carry out more effectively the terms and
302 provisions of this compact.

303 ARTICLE XIII

304 That this compact shall become operative immediately upon its execution
305 by any state as between it and any other state or states so executing. When
306 executed it shall have the full force and effect of law within such state, the form
307 of execution to be in accordance with the laws of the executing state.

308 ARTICLE XIV

309 That this compact shall continue in force and remain binding upon each
310 executing state until renounced by it. Renunciation of this compact shall be by
311 the same authority which executed it, by sending six months' notice in writing of
312 its intention to withdraw from the compact to the other states party hereto. The
313 duties and obligations of a renouncing state under Article VII hereof shall
314 continue as to parolees and probationers residing therein at the time of
315 withdrawal until retaken or finally discharged. Supplementary agreements
316 entered into under Article X hereof shall be subject to renunciation as provided
317 by such supplementary agreements, and shall not be subject to the six months'
318 renunciation notice of the present Article.

319 ARTICLE XV

320 That the provisions of this compact shall be severable and if any phrase,
321 clause, sentence or provision of this compact is declared to be contrary to the
322 constitution of any participating state or of the United States or the applicability
323 thereof to any government, agency, person or circumstance is held invalid, the
324 validity of the remainder of this compact and the applicability thereof to any
325 government, agency, person or circumstance shall not be affected thereby. If this
326 compact shall be held contrary to the constitution of any state participating
327 therein, the compact shall remain in full force and effect as to the remaining
328 states and in full force and effect as to the state affected as to all severable
329 matters.]
330

2 [210.595. The term "delinquent juvenile" as used in the interstate
3 compact on juveniles includes those persons subject to the jurisdiction of the
4 juvenile court within the meaning of subdivisions (1) and (2) of section 211.031,
5 RSMo.]

2 [210.600. The commission shall have power to apply to the Congress of
3 the United States for its consent and approval of the compact; but in the absence
4 of such consent of Congress and until the same shall have been secured, the
5 compact shall be binding upon the state of Missouri in all respects permitted by
6 law for the signatory states without the consent of Congress to cooperate, for the
7 purposes enumerated in the compact, and in the manner provided therein.]

2 [210.610. 1. This section shall provide remedies, and shall be binding
3 only as among and between those party states which specifically adopt a similar
4 section.

5 2. All provisions and procedures of article V and article VI of section
6 210.570 shall be construed to apply to any juvenile charged with being a
7 delinquent by reason of violating any criminal law which constitutes a felony.
8 Any juvenile charged with being a delinquent by reason of violating any criminal
9 law which constitutes a felony shall be returned to the requesting state upon a
10 requisition to the state where the juvenile may be found. A petition in such case
11 shall be filed in a court of competent jurisdiction in the requesting state where the
12 violation of criminal law is alleged to have been committed. The petition may
13 be filed regardless of whether the juvenile has left the requesting state before or
14 after the filing of the petition. The requisition described in article V of section
15 210.570 shall be forwarded by the judge of the court in which the petition has
16 been filed.]

2 Section B. The enactment of section 210.570 of section A of this act, the repeal and
3 reenactment of section 210.580 of section A of this act, and the repeal of sections 210.570,
210.595, 210.600, and 210.610 of section A of this act shall become effective August 28, 2006,

4 or upon legislative enactment of the compact into law by no less than thirty-five of the states,
5 whichever later occurs.

✓

Unofficial

Bill

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